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Date: 12/22/03

By: Winsome A. Dunn

DOCKET No. 21339-US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Dieter HEINDL, et al

SERIAL No.: 10/635,171

FILED: August 6, 2003

FOR: **IMPROVED FLUORESCENT RESONANCE  
ENERGY TRANSFER PROBES**

EXAMINER: Unassigned

ART UNIT: 1645

Confirmation No. 1366

**INFORMATION DISCLOSURE STATEMENT**

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Sir:

Applicant submits herewith a Form-1449, in compliance with the duty of disclosure requirements of 37 C.F.R. §1.56 1.97 and 1.98, listing accompanying documents that may be considered material to the examination of this application,. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits, whichever event occurs last. No certification or fee is therefore required under 37 C.F.R. § 1.97(b). However, should the Commissioner determine that fees are due in order for the Information Disclosure Statement to be considered at this stage, the Commissioner

is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 50-0812. A duplicate copy of this communication is enclosed.

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested.

Respectfully submitted,

Date: 12/17/03

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U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No. 21339-US

Serial No. 10/635,171

**LIST OF INFORMATION CITED BY APPLICANT**  
(Use several sheets if necessary)

Applicant: Dieter HEINDL, et al.

Filing Date: August 6, 2003

Group: 1635

**U.S. PATENT DOCUMENTS**

* EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	4,868,103	9/19/89	Stavrianopoulos, et al.	435	5	2/19/86
	2	5,707,804	1/13/98	Mathies, et al.	435	6	3/27/95
	3	5,945,526	8/31/99	Lee, et al.	536	26.6	3/23/98
	4	6,162,603	12/19/00	Heller, M.	435	6	7/28/98
	5	6,287,772	9/11/01	Stefano, et al.	435	6	4/26/99

**FOREIGN PATENT DOCUMENTS**

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
	6	WO 99/11813	3/11/99	PCT		
	7	EP 0 229 943	7/29/87	EP		
	8	EP 0 940 450	9/8/99	EP		

**OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)**

	9	Davis, K., et al., 1996, "Use of high affinity DNA ligand in flow cytometry", <i>Nucleic Acids Research</i> , <b>24</b> (4):702-706
	10	Didenko, V, 2001, "DNA Probes Using Fluorescence Resonance Energy Transfer (FRET): Designs and Applications", <i>BioTechniques</i> , <b>31</b> :1106-1121
	11	Ju, J., et al., 1996, "Cassette labeling for facile construction of energy transfer fluorescent primers", <i>Nucleic Acids Research</i> , <b>24</b> (6):1144-1148

EXAMINER

DATE CONSIDERED

\*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.